

REMARKS

Upon entry of the present amendment, claims 18-35 will remain pending in the above-identified application, with claims 18-23 and 32-35 standing ready for further action on the merits, and claims 24-31 being withdrawn from consideration based upon an earlier Restriction Requirement.

The amendments made herein to the claims do not incorporate new matter into the application as originally filed. For example, new independent claims 32-33 are based upon original disclosure in the application, including that occurring at pages 19-20, wherein disclosure relating to specific phthalocyanine complexes represented by formulas (A1), (A2) and (A3) is provided.

Regarding the amendments to claims 18-19, these amendments simply serve to put the claims in a dependent format whereby they can properly depend from either claim 32 or 33. Similarly, claims 22-23 have also been amended to change their dependencies to either claim 32 or 33.

As such, proper consideration of each of non-withdrawn claims 18-23 and 32-35 is requested at present.

***Claim Rejections Under 35 USC § 102***

Claims 8-9, 12-13, 16-17 and 22-23 have been rejected under 35 USC § 102(b) as being anticipated by EP 0 683 184 (EP '184).

Reconsideration and withdrawal of this rejection is respectfully requested based upon the following considerations.

First, each of claims 8-9, 12-13 and 16-17 has been cancelled. As such, the outstanding rejection of these claims has been rendered moot.

Second, regarding claims 22-23, it is noted that the same have been amended to depend from newly added independent claims 32-33, which are submitted to be completely free from any teaching or disclosure in the cited EP '184 reference. In this respect, the cited EP '184 reference fails to teach or disclose any aspect of instant independent claims 32-33, or any of the remaining pending claims that ultimately depend therefrom (claims 18-23 and 34-35).

Additionally, it is noted that the EP '184 reference fails to teach or suggest the specific phthalocyanine complexes represented by the formulas (A1), (A2) and (A3). Based upon this deficiency in the cited EP '184 reference, it is submitted that the same is completely incapable of forming a proper basis to reject any of Applicants' pending claims 18-23 and 32-35 under the provisions of 35 USC § 102. Further, the same EP '184 reference also fails to provide any motivation or teaching which would allow one of ordinary skill in the art to arrive at the present invention as claimed. Absent such motivation in the cited EP '184 reference, it also follows that the same is incapable of supporting an

obviousness rejection of any of the pending claims under 35 USC § 103(a).

***Allowable Subject Matter***

Applicants appreciate the Examiner's comments relating to allowable subject matter in claims 18-21. However, based upon the amendments made herein, it is submitted that each of pending claims 18-23 and 32-35 now contain allowable subject matter.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of pending claims 18-23 and 32-35 are allowed and patentable under the provisions of Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

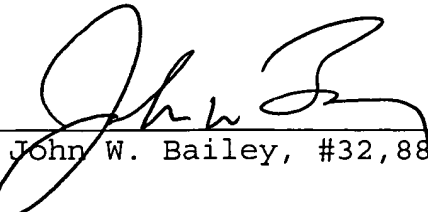
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

  
John W. Bailey, #32,881

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

JWB/enm  
2185-0495P